

REMARKS

Applicant respectfully requests reconsideration of the instant application in the view of the foregoing amendments and the following remarks. Claims 1- 17 are *pending*. Claims 18 - 21 have previously *been cancelled* without prejudice or disclaimer. Claim 1 is *independent*. Claims 1 and 7 have been *amended*; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification, figures, drawings and claims and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 102

The Office Action rejected claims 1-8, 10, 11, and 14-16 under 35 U.S.C. § 102(b) as anticipated by Goldschmidt, US Patent No. 6,983,266 (hereinafter "Goldschmidt"). Applicant respectfully traverses the rejection and submits that Goldschmidt does not discuss every element recited in the claims.

Although Applicant respectfully traverses the rejection, Applicant has amended independent claim 1 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Amended independent claim 1 recites:

A processor implemented method of facilitating monitoring of a transaction for one or more indications of insider trading, the method comprising:
receiving digital information related to one or more financial transactions into a storage of a computer device;

processing the digital information by applying insider trading rules to determine whether the one or more financial transactions would violate the rules;
generating a risk quotient indicative of a quantitative amount of insider trading risk (ITR) associated with the financial transaction;
generating an indication that execution of the financial transaction is in violation of one or more of the insider trading rules; and
providing a report including the generated risk quotient and the indications of violations.

Applicant submits that Goldschmidt does not discuss or render obvious at least these elements of independent claim 1. The Examiner asserts Goldschmidt discusses the claimed elements in col. 7, line 63 - col. 8, line 5 which describes "SNCE [suspect non-compliant event] hypothesis triggers meta-rules to associate heuristic rules with cues appropriate to the SNCE hypothesis." (Goldschmidt col. 7, line 63-66). Furthermore, the cited passage discusses how Goldschmidt determines whether the heuristic rules associate with the SNCE hypothesis. With respect to insider trading rules, Examiner points to Goldschmidt col. 12, lines 20-28 which describes Goldschmidt's "multi-agent decision support system," ALCOD. (Goldschmidt col. 12 lines 24-25). The claimed insider trading rules, are different than the application of heuristic rules discussed in Goldschmidt col. 7, line 63 - col. 8, line 5.

Applicant asserts that Goldschmidt is directed to a "method and system for supporting a compliance agent in compliance monitoring for anomaly detection" (Goldschmidt, Abstract). Instead of the description Examiner asserts, Goldschmidt's "CMAD (compliance monitoring for anomaly detection) involves a primary monitoring system comparing some predetermined conditions of acceptance with the actual data or event" (Goldschmidt Abstract). The heuristic rules, therefore, merely represent what is expected and not the claimed "generating a risk quotient indicative of a quantitative amount of insider trading risk (ITR) associated with the financial transaction" as recited by independent claim 1 of the instant application.

Further, the Examiner asserts that Goldschmidt discusses the claimed elements in col. 12, lines 47-51 which describes that "[w]here there appears to have been a breach of the law, the matter is reported to the federal government. . . ." (Goldschmidt col. 12 lines 47-48). Instead of the claimed elements, Goldshmidt describes that "the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices" (Goldschmidt col. 12 lines 36-38) (emphasis added). Applicant submits Goldschmidt's surveillance to "monitor the market" and "may detect unusual patterns of market behaviour" (Goldschmidt col. 12 lines 28-38) (emphasis added) does not anticipate the claimed "generating an indication that execution of the financial transaction is in violation of one or more of the insider trading rules" as recited by independent claim 1 in the instant application.

Moreover, Applicant submits that at no time does Goldschmidt discuss or render obvious "receiving digital information related to one or more financial transactions," "processing the digital information by applying insider trading rules to determine whether the one or more financial transactions would violate the rules," "generating a risk quotient indicative of a quantitative amount of insider trading," "generating an indication that execution of the financial transaction is in violation of one or more of the insider trading rules, "or" providing a report including the generated risk quotient and the indications of violations" as recited *inter alia* by independent claim 1.

Furthermore, Applicant submits that claims 2 - 8, 10, 11, and 14 - 16, which depend directly or indirectly from independent claim 1, are also not anticipated or rendered obvious by Goldschmidt for at least similar reasons to those discussed above identifying deficiencies in Goldschmidt with regard to independent

claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejections.

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected claims 9, 12, 13 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Goldschmidt, US Patent No. 6,983,266 (hereinafter "Goldschmidt"), in view of Mandler, US Patent No. 5,723,400 (hereinafter "Mandler"). Applicant respectfully traverses the rejections and submits that the applied references taken alone or in combination, fail to discuss or render obvious every element of the claims and that a *prima facie* case of obviousness has not been established.

Applicant submits that the Examiner has failed to properly set forth the differences in the claims over the applied references. MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (i) the relevant teachings of the prior art relied upon,
- (ii) the differences in the claim over the applied references,
- (iii) the proposed modification of the applied references to arrive at the claimed subject matter, and
- (iv) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicant respectfully submits that for at least the reasons discussed above, identifying several deficiencies in Goldschmidt, the Examiner has failed to establish at least the first two requirements for a *prima facie* case of obviousness.

Applicant submits that claims 9, 12, 13, and 17 are patentable over Goldschmidt for at least similar reasons to those discussed above identifying deficiencies in Goldschmidt with regard to

independent claim 1. Dependent claims 9, 12, 13, and 17 depend directly or indirectly from claim 1 and are patentably distinct from the applied references for at least similar reasons.

Applicant further submits that Mandler fails to remedy the deficiencies identified above in Goldschmidt with regard to independent claim 1. Instead of discussing a "method and system for supporting a compliance agent in compliance monitoring for anomaly detection" (Goldschmidt, Abstract), Mandler is directed to a risk based purchase of goods and "enabling on-line transactional services among sellers and buyers having no previous relationship with each other" (Mandler Abstract). Accordingly Applicant respectfully requests reconsideration and withdrawal of this basis of rejections.

As such, Applicant respectfully requests withdrawal of these grounds of rejection and allowance of the pending claims for at least these reasons.

Conclusion

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1- 17, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or

remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and distinguish over any such remaining claim elements and/or bases for rejection at a later time should it become necessary. Further, any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17209-311CP1. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17209-311CP1.

In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
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